

SPECIAL REPORT

University of Chicago Law Professor Attempts to Rewrite America's Christian History

By Gary DeMar

It's been said (by me) that two half-truths don't make the whole truth. Geoffrey Stone's response to Mitt Romney's "religious assurance" speech begins by stating that it "called to mind a disturbingly distorted version of history that has become part of the conventional wisdom of American politics in recent years."¹ If there was ever a distorted version of American history, it's Professor Stone's recounting of our nation's religious history in his article "Romney's Founders."² Part of the distortion comes because there is no neatly packaged history of the past. Like a watermelon grown in a square bottle that takes the shape of its container,³ historical summaries take the shape of those doing the summarizing. To change the analogy, Professor Stone, I believe, is engaged in a bit of historical trimming, selecting and "massaging" the historical data to fit a desired outcome.⁴

"Grateful to Almighty God" in Illinois

Stone, professor of law at the University of Chicago, takes issue with the claim that "the founders intended to create a 'Christian nation,' and that we have unfortunately drifted away from that vision of the United States." Actually, the Founders inherited a nation founded by Christians and built on, to use a phrase from John Adams, "the general principles of Christianity." Part of the problem with Professor Stone's argument is that he views America's founding as a fixed point in time. The colonists who created the first colonial governments that became the states that created the national government would object to the late-date founding of

¹For a comprehensive contrary opinion, see Ellis Sandoz, ed., *Political Sermons of the American Founding: 1730—1805* (Indianapolis: LibertyPress, 1991).

²Geoffrey R. Stone, "Romney's Founders," *The Huffington Post* (December 10, 2007): www.huffingtonpost.com/geoffrey-r-stone/romneys-founders_b_76142.html

³www.crazyauntpurl.com/images/blog/square-watermelon.jpg

⁴Walter Gratzer, *The Undergrowth of Science: Delusion, Self-Deception and Human Frailty* (Oxford, NY: Oxford University Press, 2000), vii.

America. In fact, there are so remnants of that early religious founding that organizations like the ACLU and Americans United for Separation of Church and State have made their living trying to eradicate them.

There was a worldview prior to 1787 that did not pass into oblivion when the Constitution was finally ratified in 1791. Many of the state constitutions were specifically Christian, and all were generally religious, an omission on Professor Stone's part of enormous significance. None of this changed with the ratification of the Constitution. In fact, today the 50 state constitutions mention God using various terms such as "Supreme Rule of the Universe" and "Almighty God," being the most common. (The claim has been made that West Virginia is the exception.⁵ This is not the case.⁶) For example, the Preamble to the constitution of Professor Stone's home state of Illinois includes the following: "We, the People of the State of Illinois—grateful to **Almighty God** for the civil, political and religious liberty which He has permitted us to enjoy and seeking **His blessing** upon our endeavors. . . ."

Faith AND Reason

There is a long history of the relationship between the Christian religion and civil government in our nation. Professor Stone seems to place that relationship in the distant past when he writes,

Those who promote this fiction confuse the Puritans, who intended to create a theocratic state, with the Founders, who lived 150 years later. The Founders were not Puritans, but men of the Enlightenment. They lived not in an Age of Faith, but in an Age of Reason. They viewed issues of religion through a prism of rational thought.

⁵"God in the State Constitutions": www.usconstitution.net/states_god.html

⁶The West Virginia Preamble of 1872 reads, "Since through **Divine Providence** we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia reaffirm **our faith in and constant reliance upon God.**" In 1960, the voters of the state of West Virginia ratified the following Preamble to their state's Constitution: "Since through **Divine Providence** we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and **our constant reliance upon God**, and seek diligently to promote, preserve, and perpetuate good government in the State of West Virginia for the common welfare, freedom, and security of ourselves and our posterity." (Robert Bastress, *The West Virginia State Constitution* [Westport, CT: Greenwood Press, 1995], 27).

The Preamble does not appear on the [West Virginia Legislature](http://www.legis.state.wv.us/WV_CODE/WV_CON.cfm) website (www.legis.state.wv.us/WV_CODE/WV_CON.cfm), but it does appear here: www.legis.state.wv.us/Educational/Publications/Manual_PDF/13-WV_State_Constitution.pdf. A [proclamation](http://www.achw.org/html/gov__07.html) declaring November 18–24 as "Christian Heritage Week" by Governor Joe Manchin III states, "Whereas, the Preamble to the Constitution of West Virginia declares, 'Since through **Divine Providence** we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia . . . reaffirm our faith in and **our constant reliance upon God.** . . .': www.achw.org/html/gov__07.html. There is also, following the Federal Constitution, a "Sundays excepted" provision in Article 7, chapter 14 of the West Virginia Constitution.

Space does not permit me to deal with his faith-reason dichotomy. Anyone having any background in Puritan studies knows it is absurd.⁷ Reason was considered to be a tool, not the final arbiter of truth. Reason was valued because its source was God. The reason-alone approach was displayed in all its raw consistency when the Enlightenment came full circle during the French Revolution when reason was absolutized and given god-like status. Heads rolled and blood flowed in the streets. America's dance with the Enlightenment was held in check by the underlying moral tenets of Christianity.

Where to Start

If we begin with 1620, the arrival of the Separatist Puritans at Plymouth, and add 150 years to that date, we come to 1770. Let's see if Professor Stone's thesis holds up. Beginning in 1774, Congress appointed chaplains for itself and the army. It sponsored the publication of a Bible. Christian morality was adopted by the armed forces, and public lands were made available to promote Christianity among the Indians. John Adams, representing Massachusetts, and George Washington, representing Virginia, were present at these early congressional meetings. On March 16, 1776, "by order of Congress" a "day of Humiliation, Fasting and Prayer" where people of the nation were called on to "**acknowledge the over ruling providence of God**" and bewail their "**manifold sins and transgressions**, and, by a sincere repentance and amendment of life, appease his righteous displeasure, and, **through the merits and mediation of Jesus Christ**, obtain his pardon and forgiveness."⁸

Congress set aside December 18, 1777 as a day of thanksgiving so the American people "may express the grateful feelings of their hearts and consecrate themselves to the service of their divine benefactor"⁹ and on which they might "join the penitent confession of their manifold sins . . . that it may please God, **through the merits of Jesus Christ**, mercifully to forgive and blot them out of remembrance." Congress also recommended that Americans petition God "to prosper the means of religion for the promotion and enlargement of that kingdom which consists

⁷For starters, see John Morgan, *Godly Learning: Puritan Attitudes towards Reason, Learning and Education, 1560-1640* (New York: Cambridge University Press, 1986), chap. 3. A person whom claims that Reason is the ultimate standard must have a prior faith that Reason is the ultimate standard. In addition, reasonable people disagree on what is reasonable.

⁸Original document can be viewed at www.loc.gov/exhibits/religion/f0404s.jpg

⁹In another context, "divine benefactor" would be viewed as a deist ascription to an unnamed deity. It's obvious that in this context the Christian God is in view.

in righteousness, **peace and joy in the Holy Ghost.**”¹⁰ Keep in mind that these two proclamations precede (1774) and follow (1777) the drafting the Declaration of Independence.

Professor Stone is correct that there were traditional Christians and deists among the Founders. “Around the time of the American Revolution,” Robert Royal, president of the Faith and Reason Institute, writes that “a significant *minority* of the founders and the other colonists had been influenced by a moderate deism of the British sort that also retained strong elements of Christianity. Few, however, were deists properly speaking; most were out-and-out Christians.”¹¹ The deists shaped their moral worldview from Christianity, picking and choosing what they liked and disliked and constructing a hybrid religious model.

Anyway, I don’t know how appealing to deists of any type helps Professor Stone’s case. There are few card-caring members of the ACLU who would accept the religious tenets and political applications of eighteenth-century deists and Unitarians. Deists and Unitarians believed in a personal and transcendent God and appealed to Him frequently in political discourse.¹² If a candidate used deistic and Unitarian language in a political speech today, the ACLU would be the first to proclaim that such attributions were a clear violation of the “constitutional doctrine” of the “separation of church and state.”

I doubt that few Christians would disagree with Professor Stone’s statement that the Founders “believed that a benevolent Supreme Being had created the universe and the laws of nature and had given man the power of reason with which to discover the meaning of those laws.” I wonder if he would allow such a view to enter into the discussion of human origins in a public school classroom. If it was good enough for the Founders of our country, it certainly ought to be good enough for the young citizens of our country. The rise of the New Atheists would preclude the claim that there is a “benevolent Supreme Being” who “had created the universe.” They would also reject the notion that a Supreme Being “had given man the power to reason.” Professor Stone is doing what the deists did; he is borrowing from the Christian

¹⁰A copy of the original document can be viewed at www.loc.gov/exhibits/religion/vc006494.jpg. The proclamation can also be seen in Gary DeMar, *America’s Christian History* (Powder Springs, GA: American Vision, 2005), 252.

¹¹Robert Royal, *The God that Did Not Fail: How Religion Built and Sustains the West* (New York: Encounter Books, 2006), 206. Emphasis added. For some helpful comments on the “unpopularity of deism” in the colonies, see Herbert M. Morais, *Deism in Eighteenth Century America* (New York: Russell & Russell, 1960), 91–98.

¹²Alice M. Baldwin, *The New England Clergy and the American Revolution* (New York: Frederick Ungar Publishing, [1928] 1958) and Franklin R. Cole, ed., *They Preached Liberty* (Indianapolis: LibertyPress, 1976).

worldview to make his reason-alone worldview work. I suggest that he study where an Enlightenment cut off from God is taking us.¹³

No Corner on Irrationality

Professor Stone argues that that some of the Founders “viewed religious passion as irrational and dangerously divisive . . . and challenged, both publicly and privately, the dogmas of traditional Christianity.” Some religious passion is irrational, but so is some political passion rooted in irreligion. And I dare say that some legal passion is irrational and dangerously divisive as well. There is passion and division on nearly every major social issue of our day, from homosexual marriage to abortion rights and almost everything in between. The 1973 *Roe v. Wade* pro-abortion decision is viewed by many legal, moral, and political theorists as irrational¹⁴ and dangerously divisive.

Five Founders Put to the Test

Professor Stone centers his historical analysis on the views of Benjamin Franklin, Thomas Jefferson, John Adams, George Washington, and Thomas Paine, so that’s where I’ll concentrate my efforts. Keep in mind, however, that America’s founding rests on more than the views and actions of these five men. Neither Franklin nor Jefferson had a hand in drafting the Constitution. Paine was a British citizen.

Benjamin Franklin

Benjamin Franklin went through a religious pilgrimage in his long life. There is little doubt that in his early years he was quite the religious skeptic but never an atheist. His moral life left a lot to be desired as well. He read the writings of English deists as a young man, but “later experience and reflection caused him to retreat somewhat from the thoroughgoing deism of his early life. . . . Indeed Franklin’s views on providence and prayer were quite inconsistent with the

¹³Christopher Hitchens, *God is Not Great: How Religion Poisons Everything* (New York: Twelve Books, Hachette Book Group, 2007); Richard Dawkins, *The God Delusion* (Houghton Mifflin, 2006); Daniel C. Dennett, *Breaking the Spell: Religion as a Natural Phenomenon* (New York: Penguin, 2007); Sam Harris, *Letter to a Christian Nation* (New York: Knopf, 2006). For responses, see Douglas Wilson, *Letter from a Christian Citizen* (Powder Springs, GA: American Vision, 2007) and Joel McDurmon, *The Return of the Village Atheist* (Powder Springs, GA: American Vision, 2007).

¹⁴Richard Stith, “Roe v. Reason”: www.nccbuscc.org/prolife/programs/rfp/Stith05finaleng.pdf. Former Atlanta Falcons’ quarterback Michael Vick was sent to prison for animal cruelty. Baseball players are being excoriating for taking performance enhancing drugs. Whatever happened to “freedom of choice” and a person being able to do what he or she wants with his or her own body?

deistic conception of an absentee God who does not and who could not, in consistency with the perfection of his work of creation and his impartial nature, interfere in the affairs of men.”¹⁵

It was Franklin who addressed the Constitutional Convention by reminding those in attendance of “a superintending Providence” in their favor that brought them to their unique place that would make history.¹⁶ He cited Psalm 127:1 to establish his point: “Unless the LORD builds the house, they labour in vain who build it.” He went on to say something very non-deistic: He saw “proofs” that “God rules in the affairs of men,” and without God’s “concurring aid, we shall succeed in this political building no better than the builders of Babel” (Gen. 11:1–9).¹⁷

It was Franklin and Jefferson who called for the phrase “Rebellion to Tyrants is Obedience to God” to be placed on the Great Seal of the United States (the phrase is the motto of the state of Virginia). In addition, Franklin wanted the following to adorn the front face of the seal:

Moses standing on the Shore, and extending his Hand over the Sea, thereby causing the same to overwhelm Pharaoh who is sitting in an open Chariot, a Crown on his Head and a Sword in his Hand. Rays from a Pillar of Fire in the Clouds reaching to Moses, to express that he acts by Command of the Deity.¹⁸

Franklin also declared, “Man will ultimately be governed by God or by tyrants.”¹⁹ I suspect that if some politician used similar religious terminology today, he would be denounced by the press as a “religious fundamentalist,” dismissed as a “theocrat” and dangerous to the Republic by the ACLU, and excoriated by Professor Stone for having a “disturbingly distorted version of history.”

Thomas Jefferson

Thomas Jefferson kept most of his religious views private, and his “separation of church and state” language was not used until 1802, nearly 15 years after the drafting of the First

¹⁵John Orr, *English Deism: Its Roots and Its Fruits* (Grand Rapids, MI: Eerdmans, 1935), 211.

¹⁶See www.loc.gov/exhibits/religion/vc006642.jpg

¹⁷After the Convention Franklin’s recommendation for an “officiate” (chaplain) was acted upon on April 9, 1789. Two chaplains were appointed, one to the House of Representatives and one to the Senate, with a salary of \$500 each with no thought of violating the Constitution.

¹⁸First Great Seal Committee (July/August 1776): www.greatseal.com/committees/firstcomm/index.html

¹⁹See Cole, *They Preached Liberty*, 5

Amendment. It's unfortunate that it has become substitute language for the actual wording of the First Amendment and distorted its meaning. In fact, in *ACLU of Kentucky, et al. v. Mercer County, Kentucky, et al.* (December 20, 2005), the United States Court of Appeals for the Sixth Circuit stated that while "the ACLU makes repeated reference to 'the separation of church and state,' [t]his extra-constitutional construct has grown tiresome." The court went on to argue the following:

The First Amendment does not demand a wall of separation between church and state. *See Lynch*, 465 U.S. at 673; *Lemon*, 403 U.S. at 614; *Zorach v. Clauson*, 343 U.S. 306, 312 (1952); *Brown v. Gilmore*, 258 F.3d 265, 274 (4th Cir. 2001); *Stark v. Indep. Sch. Dist., No. 640.*, 123 F.3d 1068, 1076 (8th Cir. 1997); *see also Capitol Square*, 243 F.3d at 300 (dismissing strict separatism as "a notion that simply perverts our history"). Our Nation's history is replete with governmental acknowledgment and in some cases, accommodation of religion. *See, e.g., Marsh v. Chambers*, 463 U.S. 783 (1983) (upholding legislative prayer); *McGowan v. Maryland*, 366 U.S. 420 (1961) (upholding Sunday closing laws); *see also Lynch*, 465 U.S. at 674 ("There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."); *Capitol Square*, 243 F.3d at 293-99 (describing historical examples of governmental involvement with religion). After all, "[w]e are a religious people whose institutions presuppose a Supreme Being." *Zorach*, 343 U.S. at 313. Thus, state recognition of religion that falls short of endorsement is constitutionally permissible.²⁰

Jefferson's views on Christianity were hardly credible for someone of his intellect and erudition. Like Professor Stone, Jefferson picked from the gospels what suited his rationalistic presuppositions.²¹ Convenient, but hardly the work of a scholar. Nevertheless, for all of his anti-biblical statements and beliefs, Jefferson understood that "no system of morality would work for the common man or woman 'without the sanction of divine authority stamp'd upon it.'"²²

John Adams

Professor Stone appeals next to John Adams who he identifies as a Unitarian. We find the following from Adams' *Diary* dated July 26, 1796:

²⁰*ACLU of Kentucky, et al. v. Mercer County, Kentucky, et al.* (December 20, 2005): www.ca6.uscourts.gov/opinions.pdf/05a0477p-06.pdf

²¹Thomas Jefferson, *The Life and Morals of Jesus Christ of Nazareth*. Various editions. Often published and recognized as *The Jefferson Bible*.

²²Edwin S. Gaustad, *Neither King Nor Prelate: Religion and the New Nation, 1776-1826*, rev. ed. (Grand Rapids, MI: Eerdmans, [1987] 1993), 105.

The Christian religion is, above all the Religions that ever prevailed or existed in ancient or modern Times, the Religion of Wisdom, Virtue, Equity, and humanity, let the Blackguard [Thomas] Paine say what he will; it is Resignation to God, it is Goodness itself to Man.²³

Adams expressed his religious views on numerous occasions, but his call for a National Fast Day on March 6, 1799, is the most expressive. In it he described the Bible as “the Volume of Inspiration” and acknowledged “the growing providence of a Supreme Being and of the accountableness of men to Him as the searcher of hearts and righteous distributor of rewards and punishments.” The Proclamation recommended the following:

[That April 15, 1799] be observed throughout the United States of America as a day of solemn humiliation, fasting, and prayer; that the citizens on that day abstain, as far as may be, from their secular occupation, and devote the time to the sacred duties of religion, in public and in private; that they call to mind our numerous offenses against the most high God, confess them before Him with the sincerest penitence, implore his pardoning mercy, through the Great Mediator and Redeemer, for our past transgressions, and that through the grace of His Holy Spirit, we may be disposed and enabled to yield a more suitable obedience to his righteous requisitions in time to come; that He would interpose to arrest the progress of that impiety and licentiousness in principle and practice so offensive to Himself and so ruinous to mankind; that He would make us deeply sensible that “righteousness exalteth a nation, but sin is a reproach to any people [Proverbs 14:34].”²⁴

Professor Stone reduces the religion of John Adams, based on a letter he had written to Jefferson, as “captured in the phrase, ‘Be just and good.’” Jefferson had expressed a similar sentiment: “fear God and love thy neighbor.”²⁵ A question remains: What determines what’s just and good? Jefferson and Adams were living at a time when Christianity prevailed, and it was Jefferson who appealed to the gospels to make his case for his “wee little book” on morality based on the ethics of Jesus. Both men borrowed the capital of Christianity to make their case for morality. But there were other letters that Adams had written to Jefferson on the subject of religion: “The general

²³John Adams, *The Diary and Autobiography of John Adams*, ed. L.H. Butterfield (Cambridge, MA: The Belknap Press of Harvard University Press, 1962), 3:233–234.

²⁴John Adams, “National Fast Day,” *A Compilation of the Messages and Papers of the Presidents*, 1:284–286.

²⁵Quoted in Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, MI: Eerdmans, 1996), 135.

principles, on which the Fathers achieved independence, were . . . the general principles of Christianity”²⁶ and “Without religion this world would be something not fit to be mentioned in polite society, I mean hell.”²⁷

The Treaty of Tripoli (1797)

Professor Stone brings up the 1797 “Treaty of Tripoli” that includes the phrase “the Government of the United States . . . is not in any sense founded on the Christian religion.”²⁸ Adams signed it, and so did a unanimous Congress, most of whom were orthodox Christians. How can this be explained in terms of the historical record? The statement in the Treaty of Tripoli was nothing more than a pronouncement “that ‘the Christian religion’ as a formal institution was not a part of the American government in the same way that the religious structures of Islam are a part of Islamic governments.”²⁹ The statement was to assure a Muslim government that America would not depose that government and impose Christianity by force.

The Barbary pirates habitually preyed on ships from “Christian nations,” enslaving “Christian” seamen. Since this was a treaty between the United States and an Islamic government, was America not one of these Christian nations? “Barbary was Christendom’s Gulag Archipelago.”³⁰ Joseph Wheelan’s historical assessment of the time is on target. “Except for its Native American population and a small percentage of Jews, the United States was solidly Christian, while the North African regencies were just as solidly Muslim—openly hostile toward Christians.”³¹

In drafting the treaty, the United States was assuring the Dey (ruler) of Tripoli that in its struggle with the pirates “it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,” that “the said states never have entered into any war or act of hostility

²⁶John Adams to Thomas Jefferson, June 28, 1813, in Lester J. Cappon, ed., *The Adams-Jefferson Letters*, 2 vols. (Chapel Hill, NC: University of North Carolina Press, 1959), 2:339–340.

²⁷John Adams to Thomas Jefferson (April 19, 1817) in Thomas Jefferson, *The Writings of Thomas Jefferson* (Washington, DC: The Thomas Jefferson Memorial Association, 1904), 15:105.

²⁸William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776–1909*, 4 vols. (New York: Greenwood Press, [1910] 1968), 2:1786.

²⁹Gary T. Amos, *Defending the Declaration* (Brentwood, TN: Wolgemuth and Hyatt, 1989), 9.

³⁰Stephen Clissold, *The Barbary Slaves* (New York: Barnes & Noble, [1977] 1992), 4.

³¹Joseph Wheelan, *Jefferson’s War: America’s First War on Terror, 1801–1805* (New York: Carroll & Graf Publishers, 2003), 7.

against any Mehomitan [Muslim] nation” due to religious considerations.³² These are the qualifying statements in the treaty that explain why the phrase “founded on the Christian religion” was used.

The Dey of Tripoli had to be convinced that America, as a Christian nation based on the reading of the state constitutions and official documents, would not impose its religion on the Muslim people. “Could it have been that in Article 11, America was assuring Tripoli and all of the Barbary States that the United States did not have a state church system and would therefore not attack Tripoli for religious reasons of forced conversion?”³³ This seems to be the best explanation of the phrase found in Article 11 of the 1797 Treaty.

The Treaty of Tripoli (1805)

It is important to note that the 1805 treaty with Tripoli, drafted during Jefferson’s administration, differs from the 1797 Treaty in that the phrase “as the Government of the United States of America is not in any sense founded on the Christian Religion” is conspicuously absent. Article 14 of the new treaty corresponds to Article 11 of the first treaty. It reads in part: “[T]he government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of Musselmen.”³⁴ Assurances are still offered that the United States will not interfere with Tripoli’s religion or laws. It’s obvious that by 1805 the United States had greater bargaining power and did not have to knuckle under to the demands of this Muslim stronghold.³⁵ A strong navy and a contingent of Marines also helped.

“The Most Holy and Undivided Trinity”

If treaties are going to be used to establish the religious foundation of America, then it’s essential that we look at more than one treaty. In 1783, at the close of the war with Great Britain, a peace treaty was ratified that began with these words: “In the name of the Most Holy and Undivided Trinity. It having pleased the Divine Providence to dispose the hearts of the most serene and

³²Malloy, *Treaties, etc.*, 2:1786.

³³John W. Whitehead, “The Treaty of Tripoli,” *The Rutherford Institute* (January/February 1985), 11.

³⁴Malloy, *Treaties, etc.*, 2:1791.

³⁵Michael Beschloss mentions the fact that “a treaty favorable to the United States was signed in 1805,” but says nothing about the 1797 treaty with its accommodationist language. (*American Heritage Illustrated History of the Presidents* [New York: Times Books, 2000], 58).

most potent Prince George the Third, by the Grace of God King of Great Britain.”³⁶ The treaty was signed by John Adams, Benjamin Franklin, and John Jay. Keep in mind that it was Adams who signed the 1797 Treaty of Tripoli.

In 1822, the United States, along with Great Britain and Ireland, ratified a “Convention for Indemnity Under Award of Emperor of Russia as to the True Construction of the First Article of the Treaty of December 24, 1814.”³⁷ It begins with the same words found in the Preamble to the 1783 treaty: “In the name of the Most Holy and Indivisible Trinity.” Only Christianity teaches a Trinitarian view of God. The 1848 Treaty with Mexico begins with “In the name of Almighty God.” The treaty also states that both countries are “under the protection of Almighty God, the author of peace. . . .”³⁸

George Washington

Next on Professor Stone’s list of historical witnesses is George Washington. During the War for Independence, Washington wrote the following to Brig. General Thomas Nelson: “The Hand of providence has been so conspicuous in all this, that he must be worse than an infidel that lacks faith, and more than wicked, that has not gratitude enough to acknowledge his obligations.”³⁹ As President, Washington stated that “it is the duty of all *nations* to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor.” He went on in his Thanksgiving Proclamation of October 3, 1789, to write, that as a nation “we may then unite in most humbly offering our prayers and supplications to the great *Lord and Ruler of Nations*, and beseech Him to pardon our national and other transgressions.”⁴⁰ Professor Stone’s contrary evidence is at best hearsay. Washington’s Thanksgiving Proclamation is direct evidence that he was no deist. When a person offers “prayers and supplication,” he expects some sort of response. There is no response possible for the deist who operates as an absentee landlord.

³⁶Malloy, *Treaties, etc.*, 1:586.

³⁷Malloy, *Treaties, etc.*, 1:634.

³⁸Malloy, *Treaties, etc.*, 1:1107.

³⁹George Washington’s letter of August 20, 1778 to Brig. General Thomas Nelson, in John C. Fitzpatrick, ed., *The Writings of George Washington* (Washington, D.C.: U.S. Government Printing Office, 1932), 12:343.

⁴⁰George Washington, “Proclamation: A National Thanksgiving,” *A Compilation of the Messages and Papers of the Presidents, 1789–1902*, ed. John D. Richardson, 11 vols. (Washington, DC: Bureau of National Literature and Art, 1907), 1:64.

In his Farewell address of 1796, Washington stated the following:

Of all the dispositions and habits which lead to political prosperity, **religion and morality are indispensable supports.** In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked: **Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?** And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, **reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.**⁴¹

Notice the connection of religion and morality and that religion and morality lead to “political prosperity.” While noting that there are “slight shades of difference,” the people “have the same religion, manners, habits, and political principles.” This “same religion” was Christianity.

Thomas Paine

As usual, Tom Paine is called forth as a Founder of the American Republic. But is it the Paine of *Common Sense* or the Paine of *The Rights of Man* (1791) and *The Age of Reason* (1793–94)? Since *Common Sense* was written on the eve of the Revolution and *The Rights of Man* and *The Age of Reason* were written after the ratification of the Constitution, we should begin with *Common Sense*. Paine’s *Common Sense* put forth arguments for independence from Great Britain. How did he argue his case? What were his sources?

A. J. Ayer remarks that “the first argument that Paine brings against the institution of kingship is scriptural.”⁴² Paine declared that “government by kings was first introduced into the world by the Heathens, from which the children of Israel copied the custom. . . . As the exalting of one man so greatly above the rest cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproves of government by kings [Judges 8:22–23;

⁴¹George Washington, “Farewell Address” (1796): www.yale.edu/lawweb/avalon/washing.htm

⁴²A.J. Ayer, *Thomas Paine* (New York: Atheneum, 1988), 40. Ayer remarks that that his appeal to the Old Testament is curious “in view of the want of respect he was later to show for the Old Testament” (40).

1 Sam. 8]. All anti-monarchical parts of scripture have been smoothly glossed over in monarchical governments, but they undoubtedly merit the attention of countries which have their governments yet to form. ‘*Render unto Caesar the things which are Caesar’s*’ is the scriptural doctrine of courts, yet it is no support of monarchical government, for the Jews at that time were without a king, and in a state of vassalage to the Romans.”⁴³

Paine has an extended discussion of Judges 8:22–23 where he describes “the King of Heaven” to be Israel’s “proper sovereign.”⁴⁴ He then spends several pages quoting, discussing, and making application of the importance of 1 Samuel 8 to the modern situation. He concludes this section of *Common Sense* with these words: “In short, monarchy and succession have laid (not this or that kingdom only) by the world in blood and ashes. ’Tis a form of government which the word of God bears testimony against, and blood will attend it.”⁴⁵

It seems that Professor Stone trimmed this bit of history from Paine’s body of work. Instead, he only quotes from his later publications which are anti-Christian but not atheistic. But how much support did Paine get from the Founders in his later works? We’ve already read that Adams called him a “blackguard.” Samuel Adams wrote Paine a stiff rebuke, telling him, “[W]hen I heard you had turned your mind to a defence of infidelity, I felt myself much astonished and more grieved that you had attempted a measure so injurious to the feelings and so repugnant to the true interest of so great a part of the citizens of the United States.”⁴⁶ In his Introduction to *Common Sense*, Gregory Tiejien writes that Paine’s “explicit expressions of disbelief roused the faithful to fury and earned Paine an enmity that destroyed the good reputation he enjoyed for his earlier activities in behalf of the American cause. . . . [H]is polemics against President Washington had lost him the loyalty of many patriots, and his religious beliefs had earned him the wrath of the Christian faithful.”⁴⁷ Even the usually tolerant Quakers refused him burial in a Quaker graveyard.

Professor Stone describes the views of the later Paine as “shockingly blunt and ‘politically incorrect’ to modern ears, but they were in fact the views of many of our most revered Founders. The fable that the United States was founded as a Christian Nation is just

⁴³Thomas Paine, *Common Sense* (New York: Barnes & Noble, [1776] 1995), 10. *Common Sense* can be accessed online at www.constitution.org/tp/comsense.htm

⁴⁴Paine, *Common Sense*, 11.

⁴⁵Paine, *Common Sense*, 11–14.

⁴⁶Jared Sparks, *The Works of Benjamin Franklin* (Boston: Tappan, Whittemore, and Mason, 1840), 10:281–282.

⁴⁷Gregory Tiejien, “Introduction,” *Common Sense*, xii.

that—a fable.” Paine’s *Common Sense* with its biblical arguments from the Old and New Testaments is direct testimony that Stone is wrong. Mark A. Noll, professor of history at the University of Notre Dame, argues, “If Paine’s *Age of Reason* (with its dismissive attitude toward the Old Testament) had been published before *Common Sense* (with its full deployment of Scripture in support of republican freedom), the quarrel with Britain may have taken a different course. It is also likely that the allegiance of traditional Christian believers to republican liberty might not have been so thoroughly cemented. And it is possible that the intimate relation between republican reasoning and trust in traditional Scripture, which became so important after the turn of the new century, would not have occurred as it did.”⁴⁸ Robert Royal comments that “for Paine—a skillful polemicist whose attachment to Christianity was always uncertain and seems eventually to have evaporated—to use an argument such as this at a delicate moment testifies, at the very least, to the power of religious arguments for liberty in America.”⁴⁹ John Orr’s remarks that Paine received a “cold reception . . . when he returned from France after publishing his deistic book *The Age of Reason*.” This reaction “does not suggest that deism was as popular in America as some” historical accounts “might lead one to suppose.”⁵⁰

The Declaration of Independence

Professor Stone’s objection that the Declaration of Independence is a deist document does not fit the definition when it uses phrases like the “Supreme Judge of the World for the Rectitude of our Intentions” and “a firm reliance on the Protection of divine Providence.” A deistic God does not judge or protect. He’s indifferent to the world He created. There is the further problem with the phrase that asserts that rights are an endowment from the “Creator.” How would this statement go over in the Public School classroom where evolution without any hint of a Creator is taught? Could the Declaration of Independence pass legal scrutiny today? I doubt it. While Professor Stone asserts that the Declaration is not an Evangelical document, it seems quite odd that so many of the 56 who signed it were members of Evangelical churches. Had they acquiesced to deism? I doubt it. The terms used were in common use by the orthodox.⁵¹

⁴⁸Mark A. Noll, *America’s God: From Jonathan Edwards to Abraham Lincoln* (New York: Oxford University Press, 2002), 84.

⁴⁹Royal, *The God that Did Not Fail*, 216.

⁵⁰Orr, *English Desim*, 219.

⁵¹For a defense, see Amos, *Defending the Declaration*.

“In the Year of Our Lord”

Finally, we come to the Constitution, a governing document created by the states for a limited purpose. Professor Stone states that the Constitution does not “invoke the deity at all.” As we’ve seen, there were numerous official government documents that are specific in their mention of God, Jesus Christ, and the Holy Spirit. All the state constitutions invoked “the deity.” But Professor Stone makes no mention of these. In Article 1, section 7 of the Constitution, Sunday is set aside as a day of rest for the President. Just above George Washington’s signature the following phrase appears: “Done in the Year of our Lord . . . one thousand seven hundred and Eighty seven.” These examples might seem inconsequential, but keep in mind that people like Professor Stone argue that the constitutional Framers wanted to separate religion from government. Here was a perfect opportunity to do it. The French abolished the seven-day week and instituted a ten-day week. Their revolutionary calendar began with a new “Year One.” Those who fomented the revolution made every effort to distance themselves from every vestige of Christianity. Our Framers did not.

Privately Held but Politically Forbidden

Professor Stone admits that “the Founders were not anti-religion. They understood that religion could help nurture the public morality necessary to a self-governing society,” but only privately and personally. What does this mean? If a person holds private and personal religious beliefs, does this preclude him from applying them in the area of public policy? That’s what Professor Stone believes. They “had no place in the political life of a nation dedicated to the separation of church and state.” Our Founders didn’t argue this way. Jefferson believed that no system of morality would work for the common man or woman “without the sanction of divine authority stampt upon it.” Adams was equally adamant that “the general principles, on which the Fathers achieved independence, were . . . the general principles of Christianity.” Should someone who held opinions against slavery based on religious principles have kept them private? There would have been no civil rights movement or resistance to Adolf Hitler if the privately held but politically forbidden paradigm had been followed as Professor Stone suggests. Professor Stone’s narrowly focused views would be destructive to our Republic. In fact, we are seeing the destruction as we debate this issue.

Misreading the First Amendment

As usual, there is the obligatory genuflection to the “separation of church and state.” Who is arguing for combining them? The First Amendment is not dealing with church-state issues. The prohibition is against Congress and what it can’t do. The states with their religious state constitutions insisted on an amendment protecting them from a strong national government, including the topic of religion. The amendment prohibits Congress from establishing a religion or prohibiting the free exercise thereof. I don’t see how a manger scene, the mention of Christmas, singing Christmas carols, a valedictorian address invoking God,⁵² praying at a government meeting for wisdom and direction, or any number of religious ceremonies is a violation of the First Amendment as originally conceived. There is no call to force anyone to believe anything, go to church, or pay a tithe. But like our Founders, there is the need to recognize that the State is not the grantor of rights or freedom. They are an endowment from our Creator, and it is the duty of civil governments to ensure that these rights and freedoms remain. The logic is simple: No God, no rights. What the State gives, the State can take away.

Professor Stone writes that our Founders “would have been appalled at the idea of the federal government sponsoring ‘faith-based’ initiatives.” Well, I’m appalled that money is taken from me and used to support a government education system that teaches a religious worldview contrary to what I believe. Talk about a “faith-based” initiative.

I am quite happy to tolerate Professor Stone’s secularism “as long as he keeps it out of our government.”

⁵²www.rutherford.org/KeyCases/McComb.asp